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By: **Delegates Rosenberg, Benson, Boschert, Cadden, Haynes, Leopold, Murray, Nathan-Pulliam, Oaks, Petzold, and V. Turner V. Turner, Boteler, Boutin, Bromwell, Donoghue, Elliott, Goldwater, Hammen, Hubbard, Hurson, Kach, Mandel, McDonough, Morhaim, Pendergrass, Rudolph, Smigiel, and Weldon**

Introduced and read first time: February 18, 2004  
Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations and Appropriations, March 1, 2004

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 26, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Mental Hygiene Administration~~ **Department of Health and Mental Hygiene -**  
3 **State Facilities - Cemeteries**

4 FOR the purpose of prohibiting the State from selling a cemetery owned by the State  
5 and on the grounds of a State facility if the State facility is downsized,  
6 consolidated, closed, or sold; requiring the State to maintain and to mark with a  
7 certain monument a cemetery owned by the State; prohibiting the transfer or  
8 sale of certain easements or rights of entry; providing that a cemetery or an  
9 easement or right of entry to a cemetery owned by the State and located on the  
10 grounds of a State facility may be sold under certain circumstances; defining a  
11 certain term; and generally relating to State-owned cemeteries located on the  
12 grounds of State facilities.

13 ~~BY adding to~~  
14 ~~Article - Health - General~~  
15 ~~Section 10-209~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(2000 Replacement Volume and 2003 Supplement)~~

18 BY adding to  
19 Article - State Finance and Procurement

1 Section 10-309  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 ~~Article—Health—General~~

7 ~~40-209.~~

8 Article - State Finance and Procurement

9 10-309.

10 (A) IN THIS SECTION, "STATE FACILITY" MEANS:

11 (1) A FACILITY MAINTAINED BY THE MENTAL HYGIENE  
12 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND  
13 LISTED IN § 10-406 OF THE HEALTH - GENERAL ARTICLE; OR

14 (2) A STATE RESIDENTIAL CENTER FOR INDIVIDUALS WITH MENTAL  
15 RETARDATION IN THE DEVELOPMENTAL DISABILITIES ADMINISTRATION OF THE  
16 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

17 ~~(A)~~ (B) A CEMETERY OWNED BY THE STATE AND LOCATED ON THE  
18 GROUNDS OF A STATE FACILITY MAY NOT BE SOLD BY THE STATE IF THE STATE  
19 FACILITY IS DOWNSIZED, CONSOLIDATED, CLOSED, OR SOLD.

20 ~~(B)~~ (C) A CEMETERY OWNED BY THE STATE SHALL BE MAINTAINED BY THE  
21 STATE AND MARKED WITH A MONUMENT COMMEMORATING THE INDIVIDUALS  
22 INTERRED IN THE CEMETERY.

23 ~~(C)~~ (D) ANY EASEMENT OR RIGHT OF ENTRY TO A CEMETERY OWNED BY  
24 THE STATE AND LOCATED ON THE GROUNDS OF A STATE FACILITY THAT HAS BEEN  
25 RECORDED AMONG THE LAND RECORDS OF THE COUNTY WHERE THE CEMETERY IS  
26 LOCATED ON OR BEFORE OCTOBER 1, 2004 MAY NOT BE TRANSFERRED OR SOLD.

27 (E) NOTWITHSTANDING SUBSECTIONS (B) AND (D) OF THIS SECTION, A  
28 CEMETERY OR AN EASEMENT OR RIGHT OF ENTRY TO A CEMETERY OWNED BY THE  
29 STATE AND LOCATED ON THE GROUNDS OF A STATE FACILITY MAY BE SOLD BY THE  
30 STATE IF THE DEED FOR THE PROPERTY INCLUDES A RESTRICTIVE COVENANT  
31 REQUIRING THE OWNER AND ANY FUTURE OWNER TO MAINTAIN THE CEMETERY AS  
32 PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 July 1, 2004.

